

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
September 17, 2007**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Edward Zimmerman at 7:30 PM followed by the salute to the Flag.

**NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT**

The following statement was read into the record by Mayor Zimmerman: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings advertised in the December 16, 2006, edition of the Somerset Messenger Gazette and transmitted to the Courier News and Somerset Spectator. Notice has been posted accordingly and a copy of this notice is available to the public and is on file in the Office of the Borough Clerk.

**ROLL CALL**

Mr. Jim Banks-present, Mr. William Hallman-present, Ms. Courtney White-present  
Late Attendance: Mr. Jared Witt (8:40 PM - end of Ord. #9, 2007 discussion)

Absent: Mr. Brian Griner, Mr. Dan Harrington

Also present: CFO Ross Bobal; Borough Attorney Albert Cruz; Deputy Clerk Raymond Whitlock

**MAYOR'S COMMENTS**

Mayor Zimmerman noted the dates of the Mayor's and Delegates' Luncheons being held at the NJLM Convention requesting those Council members interested in attending to advise him as soon as possible.

Request to silence all pagers, cell phones, electronic devices was made by the Mayor.

**MAYORAL APPOINTMENTS**

The following appointments as recommended by the Mayor were accepted by Council as follows:

Board of Health Member (unexp. term through 12/31/08) - Motion was made by Banks with a second by White approving the appointment of Susan Fisher to the unexpired term of Board Member Agnes Shephard due to her resignation. Motion carried on roll call vote - all ayes.

Planning Board Member Alt. #2 (unexp. term through 12/31/07) - held over until the October meeting.

Deputy Zoning Official (term through 12/31/07) - Motion was made by White with a second by Banks for the appointment of Raymond Whitlock to this position. Motion carried on roll call vote - all ayes.

**APPROVAL OF MINUTES**

Regular Minutes - August 20, 2007 - Motion was made by Hallman with a second by Banks to approve the minutes as presented. Roll call: Banks-aye, Hallman-aye, White-abstain. Motion carried.

**REQUEST OF COUNCIL FOR NEW OR OLD BUSINESS (NOT ON AGENDA)**

Councilman Banks inquired as to the status of the Cliff Moore/Skillman Ave. easement issue. Attorney Cruz advised that this is still under review but requested it be scheduled for discussion on the next meeting agenda (Oct. 1, 2007).

### **PUBLIC COMMENT**

The floor was opened to the public for comments/questions:

Peggy Harris, resident - In response to Ms. Harris' questioning as to why the Council agendas have not been posted on the website, Mayor Zimmerman advised he would follow-up on getting them posted.

### **STATE POLICE REPORT**

No report received; it was noted that there was a public forum held by the NJSP along with representatives of the South Bound Brook Police Department on 9/10/07 for the residents of the Borough. A child car safety seat check was also conducted on this date. It was noted that the NJSP may be providing helicopter patrols of the Borough parks in light of the recent reports of vandalism. Follow-up will be made with the NJSP as to whether they will be attending Council meetings per previous agreement.

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### **ENGINEER'S REPORT**

Engineer's Report dated September 14, 2007, for August 2007 was received and distributed (copy on file in Borough Clerk's Office).

**Leaf Removal Contract/Resolution 2007-63** - Engineer Tanner reported that the sole bidder for this project, Mastroianni Landscaping declined the option of three pick-ups vs. four pick-ups (follow-up to last meeting). Engineer Tanner recommended the award of the contract to Mastroianni Landscaping of Hopewell in the amount of \$29,568.00 for four pick-ups. Motion was made by White with a second by Hallman for the approval of the resolution and award of contract to Mastroianni Landscaping in the amount of \$29,568.00 for four pick-ups. Motion carried on roll call vote - all ayes.

**Brush and Limb Pick-up** - As a follow-up to the contract awarded last month, Borough Clerk Griffiths will request the following dates for pick-up by the contractor: 10/25, 10/24, or 10/26 (in this order).

The floor was opened to the public for comments/questions. Hearing none, the floor was closed.

### **CHIEF FINANCIAL OFFICER'S REPORT**

CFO Bobal presented budget trial balance report dated 9/16/07 as of 8/31/07, Cash Receipts,

Miscellaneous Revenue Not Anticipated reported dated 9/16/07, and Budget Trial Balance Current Fund Revenues dated 9/16/07 as of 8/31/07. Mayor Zimmerman advised that another model for other miscellaneous revenues is being developed. It was noted that a previous charge of \$13,000 to the Buildings and Grounds line item for leaf collection has been moved to the Streets & Roads budget line item where it is more appropriate. Motion to accept the CFO's report was made by Hallman with a second by Banks. Motion carried on roll call vote.

### **DEPARTMENTAL REPORTS**

Tax Collector's Report - August 2007

Court Administrator's Report - August 2007

Motion was made by White with a second by Banks for the acceptance of the reports as submitted. Motion carried on roll call vote - all ayes.

### **APPROVAL OF VOUCHERS**

Motion was made by White with a second by Hallman for the approval of the vouchers/bill list as presented. Motion carried on roll call vote - all ayes. Councilman Banks is following up on the minimum usage charge by AT&T for the water department.

### **COMMITTEE REPORTS**

**Administration & Records** - No report at this time.

**Buildings & Grounds** - Mayor Zimmerman reported on the quotes received by Councilman Harrington for the carpet for the meeting room: Lowe's - \$1300; Home Depot - \$1400; Craig and Jeff's Carpet Store - \$1600.00 (all quotes +/- 10%). It was noted that the Borough has used the services of Craig and Jeff's Carpet Store in the past and are satisfied with the service provided. Motion was made by Hallman with a second by Banks to authorize the expenditure of up to \$1750.00 for the award of the quote to Craig and Jeff's Carpet Store. Motion carried on roll call vote - all ayes.

**Finance & Insurance** - No report at this time.

**Public Safety & Emergency Services** - Discussed during State Police report.

**Streets & Roads** - Councilwoman White reported that the County will continue taking care of the bank in front of the Scasserra property (Washington St.) as long as they live at the residence; The County has fixed a pedestrian sign, street sign on Merritt, and stop sign at Crescent. In response to concerns about overhanging trees on the Schafer/Pulte property, Attorney Cruz advised that is being taken care of by the owners/developer; "School Open" signs will be obtained from the NJSP for next year.

Discussion ensued in regard to request by Steve Seely of the Rescue Squad to have designated parking spaces for the emergency personnel cross hatched via painting on Skillman Ave whereas the sign that is currently there is not very clear. Deputy Clerk Whitlock noted that there was one space designated to be put aside for the emergency personnel parking when this parking was established. It was agreed that Engineer Tanner should be contacted for a referral on the pricing of the painting.

Ms. White advised that she cleared the sewer drain covers on Princeton Ave. as brought up at the last meeting. It was noted that there is a recurring problem with the weeds along the curb and sewer drains. Engineer Tanner will be requested to inquire whether the corrections workers would be available for this project. Mayor Zimmerman noted that Engineer Tanner has advised that the mulch for both parks will be delivered on 10/7/07. Request was made from Melissa *Bernardi* of the Recreation Committee for the award of a quote obtained for two picnic tables and two portable benches with backs for Panicaro Park.

Suggestion was made to move the existing table to VanHorne Park (benches not worth saving). Motion was made by Banks with a second by White to approve the award of the quote in the amount of \$1689.50 to Boyce Associates of Trexlertown, PA. Motion carried on roll call vote - all ayes.

Ms. White noted the Shade Tree Federation Annual Meeting being held October 26-28, 2007. The Borough may be eligible for a \$3000.00 grant by having representatives of the Borough attend. Ms. White will circulate the information on the meeting to Council. There is an available slot for one Council member and one Shade Tree Commission member. Gabrielle Dietrich of the Shade Tree Commission offered that more Shade Tree Commission members may be interested in attending if we could get a waiver of the \$100.00 fee for additional attendees.

**Water, Sewer & Environmental Protection** - Utilities report for August 2007 as provided by Superintendent Larry Merk was summarized by Councilman Banks. Councilman Banks advised that ARC will be submitting their landscape plan to the Planning Board. Discussion of in-kind services for shrubs/fencing along Young Drive is being discussed with their representatives. Mayor Zimmerman noted appreciation expressed by the residents of Knoll Way for Councilman Banks' involvement in this matter.

**Council Representative to the Planning Board** - *Due to pending litigation, Pulte Homes filed an extension of their historic preservation permit. The permit was approved through 9/12/08 by the Planning Board at the 9/11/07 meeting.*

**Council Representative to School Board** - Councilwoman White noted the increase in the number of buses for Rocky Hill is due to the increased number of students from the Borough and surrounding area.

**Council Representative to Board of Health** - No report at this time.

**Zoning Official** - Reported dated 9/17/07 for period 8/16-9/15/07, from Zoning Official Raffaelli was received. Zoning Official Raffaelli referenced issues raised by him with the condition of the CROP Building (Washington St.), however, it was noted that the Construction Official inspected the building and found same to be okay. Also noted was that the dumpster location for Restaurant One53 was approved at the Planning Board level.

**Grants Official** - Councilman Hallman advised that he submitted a grant application through General Mills. Award of the grant funds would be used for the flag pole and lights at Panicaro Park.

### **SPECIAL BUSINESS**

*(The order of agenda business was changed at the direction of the Mayor)*

**Public Hearing - Ordinance #8, 2007 - "AN ORDINANCE ESTABLISHING FLOOD DAMAGE PREVENTION"** as filed in the Borough Clerk's office was read by title. Response was received from the Planning Board finding the ordinance to be consistent with the Borough's Master Plan. Attorney Cruz advised of a non-substantive change to the ordinance pertaining to Section 4.4-1(3) - language amended to read, "Any interested party may appeal the decision of the Planning Board to the Superior Court of New Jersey pursuant to R. 4:69". Minor typographical and formatting changes as suggested by Planning Board Member Linda Goldman will be made to the ordinance. Attorney Cruz advised that this ordinance is being adopted uniformly by municipalities throughout the State so that FEMA flood plain maps may be updated to aid residents in flood plain areas in getting flood insurance.

The floor was opened to the public for comments/questions:

Cliff Moore, resident - In response to questioning, Mr. Moore was advised that there are approximately two residences in the Borough that are affected.

Hearing no further comments/questions, the floor was closed to the public.

Motion was made by Hallman with a second by Banks to adopt the ordinance with the minor changes. Motion carried on roll call vote - all ayes.

**Introduction - Ordinance #9, 2007 - "AN ORDINANCE AMENDING ORDINANCE 2-82, "AMENDING THE SHADE AND ORNAMENTAL TREE ORDINANCE IN THE BOROUGH OF ROCKY HILL AND PROVIDING FOR ITS ENFORCEMENT** as filed in the Borough Clerk's office was read by title. The ordinance was presented for introduction with incorporated changes suggested by Council at the August meeting. It was noted by Deputy Clerk Whitlock that "Borough Marshall" is not a recognized title in the Borough and recommendation was made for this reference to be changed to "Borough Constable". It was also noted that the only amendments to the ordinance apply to the enforcement of the ordinance and not to the manner in which the residents' are obligated to adhere to addressing the ordinance requirements. Motion to introduce the ordinance with the recommended change to "Borough Constable" was made by Hallman with a second by Banks. Roll call: Banks-aye, Hallman-aye, White-aye. Motion carried. (Councilman Witt arrived at 8:40 PM at the end of the discussion of the ordinance). Public hearing scheduled for October 1, 2007, at 7:30 PM in Borough Hall.

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**Introduction - Ordinance #10, 2007 - "AN ORDINANCE MODIFYING ARTICLE I (AFORDABLE HOUSING) OF THE DEVELOPMENT REGULATIONS OF THE BOROUGH OF ROCKY HILL SO AS TO BE IN COMPLIANCE WITH THE RULTS OF THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING AND STATE OF NEW JERSEY UNIFORM HOUSING AFFORDABILITY CONTROLS"** as filed in the Borough Clerk's Office was read by title.

Attorney Cruz provided an overview of the ordinance. This ordinance addresses outstanding requirements by COAH in that it creates the position of Municipal Housing Liaison and establishes the rules and regulations for the Borough's accessory apartment program to include the establishment of an Affordable Housing Administrator for the program. Question was raised by Councilman Witt as to the requirement under Section 803 - Bedroom Distribution - wherein "no more than one bedroom per unit" is established.

Discussion ensued as to the rationale behind setting the one bedroom standard. Attorney Cruz will check with Planner Kimball for more specific information as to the limit that was set in the ordinance. Motion was made by Hallman with a second by Witt for the introduction of the ordinance. Roll call: Banks-aye, Hallman-aye, White-aye, Witt-aye. Motion carried. Public hearing scheduled for October 15, 2007, at 7:30 PM in Borough Hall.

**Introduction - Ordinance #11, 2007 - "AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS OF ORDINANCE #7-1992, TITLED, "AN ORDINANCE REQUIRING SELLERS OF OWNER OCCUPIED ONE OR TWO FAMILING DWELLING UNITS TO OBTAIN MUNICIPAL CERTIFICATION OF COMPLIANCE WITH N.J.S.A. 52:27d-192, ET. SEQ., FOR DWELLINGS IN THE BOROUGH OF ROCKY HILL, SOMERSET COUNTY, NJ"**

as filed in the Borough Clerk's Office was read by title. Borough Clerk Griffiths advised that the ordinance has been revised to include inspections of carbon monoxide detectors and fire extinguishers along with establishing fees for inspection of same. The amendments were requested by Fire Prevention Official Doug Campbell and the draft ordinance has been reviewed by the State Fire Prevention Official and found to be in order. Borough Clerk Griffiths advised that the fees imposed in the ordinance are consistent with the fees imposed by the State.

Motion was made by White with a second by Banks to introduce the ordinance. Motion carried on roll call vote - all ayes. Public hearing scheduled for October 15, 2007, at 7:30 PM in Borough Hall.

**Resolution 2007-64 - Chapter 159 Resolution - 2007 Youth Athletic Grant** - Motion was made by Hallman with a second by White for the adoption of the resolution authorizing the insertion of the \$15,000 grant awarded by the County into the Borough's budget. Motion carried on roll call vote - all ayes.

*(Agenda order of business resumed at the direction of the Mayor)*

**Public Hearing: Ordinance #7, 2007 - "AN ORDINANCE PROVIDING FOR THE CONSTRUCTION OF PHASE 3 OF PARK IMPROVEMENTS IN AND BY THE BOROUGH OF ROCKY HILL, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$75,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$70,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF"** as filed in the Borough Clerk's office was read by title. Public hearing continued from the August 20, 2007, meeting. Mayor Zimmerman advised that confirmation has been made for the adoption of the ordinance allocating the funds per Auditor Morrison, CFO Bobal, and Deputy Clerk Whitlock. Borough Clerk Griffiths advised that the Division of Local Government Services has confirmed receipt of the Borough's supplemental debt statement relative to this ordinance.

The floor was opened to the public for questions/comments.

Linda Goldman, resident, was advised that copies of the ordinances are available in the Borough Clerk's Office and are posted in the library and post office.

Hearing no other comments/questions, the floor was closed to the public.

Motion was made by Witt with a second by White for the adoption of the ordinance. Motion carried on roll call vote - all ayes.

**COMMUNICATIONS:**

Communications as listed on the agenda were disseminated and/or ordered filed.

- Thank you letter was received from the Mary Jacobs Library for the Borough's donation.
- Somerset County Freeholders are holding a ceremony tomorrow night to award the Youth Services grant checks.
- Notice of a Breakfast Seminar, RE: Health Insurance Funds for School Boards and Municipalities being held on 10/16/07 by DiFrancesco, Bateman, Coley, Yospin,

Kunzman, Davis  
And Lehrer, P.C. was received.

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*(A brief recess was held from 9:00 PM to 9:08 PM)*

**UNFINISHED BUSINESS:**

None at this time.

**NEW BUSINESS:**

**Discussion - Response to COAH (Attorney Cruz)** - Letter dated August 23, 2007, from Attorney Cruz to Executive Director Voorhoeve of the Council on Affordable Housing (COAH) was received and distributed. The letter is in response to COAH's letter of 6/14/07, RE: COAH Compliance Mechanism Review Accessory Apartments Checklist. Attorney Cruz advised that in response to COAH's request, an Affordable Housing Administrator is needed to carry out the affirmative marketing of the Borough's accessory apartment program. Council granted authorization to Attorney Cruz to initiate the selection process for the Affordable Housing Administrator. Attorney Cruz will coordinate this effort with Planner Kimball.

**Discussion- General Code Update** - Price estimate was received from General Code for the updating of the Borough's Code Book. Discussion ensued regarding the options provided by General Code for updating same. It was agreed to authorize the expenditure of funds up to \$2235 + 2% S/H basic charge for updating the code book which would incorporate ordinances from 2002 to January 2007 along with the table of contents and disposition list. It was further agreed to continue the expenditure of the annual maintenance fee charged by General Code (\$550.00), however, the fee will be applied to E-Code (electronic posting of the code and updates on the internet by General Code) service in lieu of the past plan that was agreed to with General Code (paper updates). In regard to the editorial analysis option provided by General Code, it was agreed that the prior editorial analysis provided by General Code and recent review and modifications of the Code Book by Councilman Witt would be reviewed in-house by a subcommittee. In light of the fact that the existing Code Book has not been formally adopted, it was the consensus that the Code Book should be adopted after the insertion of Ordinances 2002-January 2007. At such time as the subcommittee provides updates, the book will be updated accordingly. Motion was made by Witt with a second by Hallman for the expenditure of funds of \$2235 + 2% S/H as previously discussed. Motion carried on roll call vote - all ayes.

**PUBLIC COMMENT**

Peggy Harris, resident, provided photographs of Panicaro Park, specifically showing overgrown weeds and grass. Ms. Harris expressed her displeasure of the condition of the park throughout the summer. Mayor Zimmerman advised that maintenance has been done at the Park, specifically, the

third weeding of the park had already been done within the last two weeks. He noted that the summer weeding was agreed to in July but scheduling conflicts with the County prevented the crew from getting there until recently. Councilman Hallman reaffirmed the scheduling problems with the County. Mayor Zimmerman noted that the mulch is expected to be delivered on 10/7/07. It was agreed that next year's mowing contract should include weedwacking and regular, advanced maintenance should be scheduled. Councilwoman White will follow-up with Engineer Tanner on Ms. Harris' concern about signage that is to be installed at VanHorne Park regarding no use between sunset to sunrise. Mayor Zimmerman will address the issue raised about loose dogs in the park and owners' not cleaning up with Karen Zimmerman of the Park Committee.

Gabrielle Dietrich, resident and Shade Tree Commission representative, noted that there are some dead trees with overhanging branches on private properties along Washington and Montgomery Aves. which could cause a safety issue. Ms. Dietrich will provide the addresses to Mayor Zimmerman and Councilwoman White who will determine whether the trees are on County property in hopes that the County can address the problems. Ms. Dietrich also advised of a problem with loose dogs running in VanHorne Park and questioned if there was a vicious dog ordinance. Mayor Zimmerman will check the Borough ordinances and provide a response back to Ms. Dietrich.

Peggy Merritt, resident, noted there is a flag down on Washington Street. Deputy Clerk Whitlock will fix the flag.

Cliff Moore, resident, expressed concern with early morning noise caused by trash/dumpster pickup at the Post Office questioning whether a time limit for pick-up could be established. Attorney Cruz will follow-up on whether a regulation may be imposed by the Borough noting there may be case law against imposing such restrictions.

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### **EXECUTIVE SESSION**

**Resolution 2007-65** authorizing Mayor and Council to convene into Executive Session for the following purpose was read into record: Contract Negotiations - Amendment to Developer's Agreement with Pulte Homes of NJ, Limited Partnership. The public was advised that no action would be taken at the conclusion of the Executive Session. Motion was made for approval by Banks with a second by Witt. Motion carried on roll call vote - all ayes. (10:00 PM).

### **RESULTS OF EXECUTIVE SESSION (if any):**

Results of Executive Session not available to the public at this time.

### **ADJOURNMENT:**

Motion to adjourn the meeting at 10:20PM was made by Witt with a second by Banks.



Motion carried on voice vote - all ayes.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk